

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DECCELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND TISSUES

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

X is attached hereto

_____ was filed on _____ as Application Serial No. _____ and amended on _____ (if applicable).

_____ was filed as PCT international application No. _____, on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s): Priority Claimed

| (Number) | (Country) | (Day/Month/Year/Filed) | Yes | No |
|----------|-----------|------------------------|-----|----|
|----------|-----------|------------------------|-----|----|

| | | | | |
|----------|-----------|------------------------|-----|----|
| (Number) | (Country) | (Day/Month/Year/Filed) | Yes | No |
|----------|-----------|------------------------|-----|----|

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (filing date) (status-patented, pending, abandoned)

(Application Serial No.) (filing date) (status-patented, pending, abandoned)

PCT Applications designating the United States:

(PCT Appl. No.) (U.S.S.N.) (status-patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

60/225,698 8/16/2000 Pending
(Application Serial No.) (filing date) (status)

(Application Serial No.) (filing date) (status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor Shannon Mitchell

Inventor's signature _____ Date: _____

Residence _____ Durham, NC

Citizenship U.S.

Post Office Address Duke University, Box 90281, 136 Hudson Hall, Durham, NC 27708

Full name of second inventor Jennifer Koh

Inventor's signature _____ Date: _____

Residence 11 Laurelglen, Irvine, CA 92614

Citizenship U.S.

Post Office Address _____

Full name of third inventor Vikas Prabhaker

Inventor's signature _____ Date: _____

Residence _____ Durham, NC

Citizenship U.S.

Post Office Address Duke University, Box 90281, 136 Hudson Hall, Durham, NC 27708

Full name of fourth inventor Laura Niklason

Inventor's signature _____ Date: _____

Residence _____ Hillsborough, NC

Citizenship U.S.

Post Office Address Duke University, Box 90281, 136 Hudson Hall, Durham, NC 27708

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ATTORNEY DOCKET NUMBER: 2002906-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitchell et al.

Serial No.:

Filing Date: August 16, 2001

Title: DECELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND
TISSUES

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints Sam Pasternack, Registration No. 29,576; Brenda Herschbach Jarrell, Registration No. 39,223; Kevin M. Tormey, Registration No. 41,351; Karoline Shair, Registration No. 44,332; Elizabeth Nugent, Registration No. 43,839; Valarie B. Rosen, Registration No. 45,698; Anne Marie Dinius, Registration No. 45,592; C. Hunter Baker, Registration No. 46,533; Monica R. Gerber, Registration No. 46,724; and Elijah Cocks, Registration No. 47,499 and John A. Hamilton, III, Reg. No. P-48,946 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Monica R. Gerber, M.D., Ph.D., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

Name: _____
Title: _____
On behalf of _____

Dated:

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ATTORNEY DOCKET NO.: 2002906-0001 (DUKE 1681)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Prabhakar, et al.

Serial No.:

Filed:

For: DECELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND TISSUES

Assistant Commissioner of Patents

Washington, DC 20231

VERIFIED STATEMENT (DECLARATION)

CLAIMING SMALL ENTITY STATUS

37 CFR 1.9(f) and 1.27(d)

NON-PROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the non-profit organization identified below:

NAME OF ORGANIZATION:

Duke University

ADDRESS OF ORGANIZATION:

230 North Building

Research Drive

Durham, NC 27708

TYPE OF ORGANIZATION:

University or other organization of higher education

Non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE:

CITATION OF STATUTE:

Would qualify as tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3) if the organization were located in the United States of America

Tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)).

Would qualify as a non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE:

CITATION OF STATUTE:

I hereby declare that the above-identified non-profit organization qualifies as a non-profit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the above-identified non-profit organization with regard to the invention titled:

TITLE: DECCELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND TISSUES

by:

INVENTORS: Vikas Prabhakar
Jennifer Koh
Laura E. Niklasen

described in:

the specification filed herewith
 U.S. Patent Application Serial Number _____
filed _____
 U.S. Patent Number _____ issued _____

If the rights of the above-identified non-profit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, averring to their status as small entities. (37 CFR 1.27).

FULL NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NON-PROFIT ORGANIZATION
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

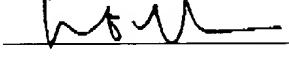
Robert L. Taber, Ph.D.

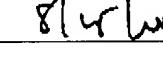
TITLE IN ORGANIZATION:

Vice Chancellor, Science and Technology
Development

ADDRESS OF PERSON SIGNING:

Duke University
Office of Science and Technology
230 North Building
Durham, NC 27708

SIGNATURE: 

DATE: 

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